

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:11-CR-113-1-F

UNITED STATES OF AMERICA)	
)	
v.)	<u>O R D E R</u>
)	
KEITH EDWARD FRAZIER,)	
Defendant.)	

This matter is before the court on Keith Edward Frazier's second motion [DE-169] to withdraw his guilty plea. In his first such motion, Frazier sought to withdraw his guilty plea as to Count Four because the plea lacked a sufficient factual basis. See [DE-154]. That motion was denied because Frazier admitted, under oath, the factual basis for the conviction. See Order [DE-156].

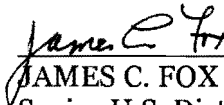
The current motion concerns both Counts Three and Four, and is based on Frazier's argument that the Indictment alleges he robbed the First South Bank branch at 907 Firetower Road, *Greenville*, North Carolina, but the victim bank's mailing address, according to a website page Frazier printed and attached to his motion, is 907 Firetower Road, *Winterville*, North Carolina. The Government points out that, "[b]usinesses and other properties on this portion of Fire Tower [sic] use a street mailing address of 'Winterville, North Carolina.' However, the victim bank is located within the city limits of Greenville, North Carolina." Government's Response [DE-170], p. 3 & Exhs. A (reflects that address is within the municipality of "Greenville" and the township of "Winterville") & B (907 E. Firetower Road located within Greenville city limits).

The website Frazier consulted, <https://www.firstsouthnc.com/branch-locations.htm>, lists the 907 E. Firetower Road, Winterville, NC 28590" branch under the heading for "Greenville, NC" branch locations. See Motion [DE-169], Exh. A. The court's Google search for "First South Bank branch locations" produces links to sites such as <http://www.raterush.com/banks/view/First-South-Bank-31084/locations/> (listing three First South Bank branch locations in "Greenville, NC," one of which is "907 E. Firetower Road"; and <http://www.selectedrates.com/first-south-bank-branch-locations/> (indicates that the "907 E. Firetower Road" branch is located in "Greenville, NC 27835"); and several others, with the same result.¹

Frazier's latest motion to withdraw his guilty plea as to Counts Three and Four [DE-169] is meritless and therefore is DENIED.

SO ORDERED.

This, the 13th day of December, 2012.



JAMES C. FOX
Senior U.S. District Judge

¹ Cited websites last viewed December 13, 2012.